

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 92-384-T - ORDER NO. 92-549
JULY 15, 1992

IN RE: Commission Staff Request for an) ORDER INTERPRETING
Interpretation of 26 S.C. Regs.) REG. 103-211(9) TO
103-211(9) (1976).) EXCLUDE TRANSPORTATION
) OF CEMENT IN TANK
) VEHICLES

This matter is before the Public Service Commission of South Carolina (the Commission) on the Commission Staff's request for an interpretation of 26 S.C. Regs. 103-211(9)(1976). Specifically, the Commission Staff requests the Commission explain whether authority to transport the commodities delineated in Reg. 103-211(9) authorizes a motor carrier to transport cement in tank vehicles.

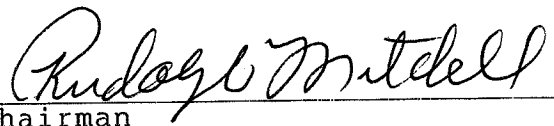
26 S.C. Regs. 103-210 (Supp. 1991) requires that a motor carrier requesting a Certificate of Public Convenience and Necessity from the Commission "specifically set forth in its application each commodity which it proposes to transport." The Commission may either issue a certificate which names the specific commodity/commodities authorized or issue a certificate which lists the authorized commodity/commodities by generic or group terms. Reg. 103-210. One such commodity grouping states as follows:

Building Materials. This group includes rough or dressed lumber, flooring, plywood, weather boarding, sheathing, roofing, cut stone, slats, tile, brick, cement, cinder blocks, and other building materials usually transported in flat bed trucks. 26 S.C. Regs. 103-211(9). (Emphasis Added.)

The Commission finds that the reference to "cement" in Reg. 103-211(9) is intended to refer to forms of cement which are usually transported in flat bed trucks (i.e. cement in bags). Accordingly, the Commission concludes that a grant of motor carrier authority to transport building materials as defined and classified in Reg. 103-211(9) does not confer authority to transport cement in tank vehicles. This interpretation is consistent with previous determinations of the Commission. See Order No. 89-902, Docket No. 88-674-T (September 20, 1989).

IT IS THEREFORE ORDERED that the Commission Staff's request for an interpretation of 26 S.C. Regs. 103-211(9) is hereby granted. The Commission Staff shall herein apply and/or enforce 26 S.C. Regs. 103-211(9) consistently with this Order.

BY ORDER OF THE COMMISSION:


VICE Chairman

ATTEST:


Executive Director

(SEAL)